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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : David Yach  
TITLE : Virtual Machine Web Browser  
SERIAL NO. : 09/728,543  
FILING DATE : December 1, 2000  
EXAMINER : A. Strange  
GROUP ART UNIT : 2153  
ATTORNEY DOCKET NO. : 555255012129

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Technology Center 2100

Declaration of Prior Invention to Overcome Cited Patents Under 37 C.F.R. § 1.131

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Declaration is submitted by the undersigned inventor to establish that the subject matter described and claimed in this application was invented prior to June 18, 1999, which is the earliest effective filing date of United States Patent No. 6,446,111 to Lowery. As this Declaration demonstrates, the present invention was conceived of prior to June 18, 1999 and the inventor then diligently worked toward reducing the invention to practice and filing a patent application on this invention from prior to June 18, 1999, to the effective filing date of this application, which is December 3, 1999.

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on March 31, 2004

By: Abulhasan Beyan

I, David Yach, the inventor of United States Patent Application S/N 09/728,543, titled "Virtual Machine Web Browser," declare as follows:

1. Prior to June 18, 1999, I conceived of the invention described and claimed in this patent application. The following documents, which are attached to this Declaration, were all created prior to June 18, 1999, and demonstrate conception of the claimed invention:

Tab A: Blackberry Internet Content Functional Specification

The document set forth at Tab A, titled "Blackberry Internet Content Functional Specification, describes conception of the invention described and claimed in this patent application by me prior to June 18, 1999. Although the document was drafted by one of my co-workers, Mr. Gary Mousseau, the parts of the document highlighted below which relate to the invention described in this application were derived from my work.


For example, the following sections of this document describe the invention claimed in this application: (A) the last three paragraphs of page 6, which describe the process of converting various forms of content to Java VM language, and also converting the Java VM programs into byte-codes; mentions different forms of content, including HTML, XML, WML, Visual Basic, HDML, Java, etc. -- and specifically states that all such forms of content would be converted into byte code; (B) Section 6.2 describes the VM program interpreter (for use at the handheld device) to replace the Traditional Internet Browser; (C) Section 7 describes the host components of the invention, including the transformation engine, which provides the content translation into VM programs for execution by the program interpreter at the client device.

2. From prior to June 18, 1999 to December 3, 1999 (when the provisional application 60/169,032 was filed to which this application claims priority) I diligently worked on reducing the invention to practice and also working with our in house patent department to prepare and file the provisional application to which this application claims priority.

Tab B: VMLite.cpp Revision History -- Attached at Tab B is a listing of changes that were made, some by myself, others by co-workers that were working with me, on a program called VMLite.cpp. This program was used to execute the browser code created by the host system when transcoding web pages (and other types of information) into executable programs. It is what is referred to above as the program interpreter. As can be seen from Tab B, work continued on this code between June, 1999, continuously up and through at least December, 1999.

3. I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By:

  
David Yach

Date:

Mar 24/04